

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0032

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to BEADLE-----Offenses Against the Family.  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-22-15 be amended to read as follows:

4 22-22-15. Any person who, while married to another presently living person, marries any  
5 other person, is guilty of bigamy. ~~This section does~~ The provisions of this section do not apply  
6 to:

7 (1) Any person, ~~whose~~ if that person's husband or wife has been absent for five  
8 successive years ~~without being~~ and is not known to be living by such person;

9 (2) Any person, ~~whose~~ if that person's husband or wife has absented himself or herself  
10 from such spouse by being outside the United States, continuously for at least five  
11 years;

12 (3) Any person, ~~whose~~ if that person's marriage has been pronounced void, annulled,  
13 or dissolved by a competent court; or

14 (4) Any person, presently married, who believes, in good faith, and has reason to  
15 believe, that the marriage has been pronounced void, annulled, or dissolved by a  
16 competent court.



1 Bigamy is a Class 6 felony.

2 Section 2. Any persons, eighteen years of age or older, who knowingly engage in a mutually  
3 consensual act of sexual penetration with each other:

4 (1) Who are not legally married; and

5 (2) Who are within degrees of consanguinity within which marriages are, by the laws of  
6 this state, declared void pursuant to § 25-1-6;

7 are guilty of incest. Incest is a Class 5 felony.

8 Section 3. Any person who knowingly engages in an act of sexual penetration with a person  
9 who:

10 (1) Is at least sixteen but less than eighteen years of age; and

11 (2) Is either:

12 (a) The child of the perpetrator or the child of a spouse or former spouse of the  
13 perpetrator; or

14 (b) Related to the perpetrator within degrees of consanguinity within which  
15 marriages are, by the laws of this state, declared void pursuant to § 25-1-6;

16 is guilty of aggravated incest. Aggravated incest is a Class 3 felony.

17 Section 4. That § 22-22-19.1 be repealed.

18 ~~22-22-19.1. Any person, fourteen years of age or older, who knowingly engages in sexual~~  
19 ~~contact with another person, other than that person's spouse, if the other person is under the age~~  
20 ~~of twenty-one and is within the degree of consanguinity or affinity within which marriages are~~  
21 ~~by the laws of this state declared void pursuant to § 25-1-6, is guilty of a Class 5 felony.~~  
22 ~~Notwithstanding § 23A-42-2 a charge brought pursuant to this section may be commenced at~~  
23 ~~any time prior to the time the victim becomes age twenty-five or within seven years of the~~  
24 ~~commission of the crime, whichever is longer.~~

1       Section 5. The code counsel shall transfer § 22-22-15 and sections 2 and 3 of this Act to a  
2   newly created chapter in title 22 entitled "Offenses Against the Family" and shall renumber the  
3   sections accordingly and adjust all appropriate cross references.